

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GARY MARTIN,

Plaintiff,

v.

CV No. 20-170 WJ/CG

TAP ROCK RESOURCES, LLC, et al.,

Defendants.

**ORDER GRANTING MOTION TO CLARIFY AND DENYING EMERGENCY MOTION
TO LIFT STAY OR SEVER TAP ROCK'S CLAIMS AGAINST RWDY**

THIS MATTER is before the Court on Defendant Tap Rock Resources, LLC's *Motion for Clarification of Order Staying Discovery on Suggestion of Bankruptcy and Vacating Expedited Briefing Schedule and Status Conference* (the "Motion to Clarify"), (Doc. 58), filed August 20, 2020, and Plaintiff Gary Martin's *Emergency Motion to Lift Stay, or Sever Tap Rock's Claims Against RWDY, and Request for Hearing* (the "Motion to Lift the Stay"), (Doc. 61), filed August 27, 2020.

After reviewing these motions, the parties' respective briefs, and the arguments of counsel, and for the reasons stated during the hearing on the motions on September 18, 2020, and in the clerk's minutes of the motion hearing dated September 18, 2020, the Court finds that RWDY, Inc. is a necessary party to the instant proceedings and, pursuant to 11 U.S.C. § 362, the filing of RWDY, Inc.'s bankruptcy petition results in an automatic stay of the entire case.

IT IS THEREFORE ORDERED that Defendant Tap Rock Resources, LLC's Motion to Clarify is **GRANTED** and Plaintiff Gary Martin's Motion to Lift the Stay is **DENIED**. An automatic stay is in effect for the entire case until the Court receives notice of either a final disposition of the bankruptcy proceedings, or a lifting of the automatic

stay by the Bankruptcy Court. All deadlines and hearings in this case are therefore terminated.

IT IS FURTHER ORDERED that the parties are directed to file a Joint Status Report no later than **January 5, 2021**, and every six months thereafter, advising the Court of the status of the bankruptcy proceeding.

IT IS FINALLY ORDERED that the parties **SHALL NOTIFY** the Court upon a lifting of the automatic stay.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE